



## महाराष्ट्र शासन राजपत्र

### असाधारण भाग पाच-अ

वर्ष १, अंक २७]

शुक्रवार, डिसेंबर १८, २०१५/अग्रहायण २७, शके १९३७

[पृष्ठे ३, किंमत : रुपये ३६.००

#### असाधारण क्रमांक ६०

#### प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 18<sup>th</sup> December, 2015 is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

#### L. A. BILL NO. LXIX OF 2015.

##### A BILL

for further to amend the Maharashtra Lokayukta and Upa-Lokayuktas Act. 1971.

Mah. XLVI of 1971. WHEREAS it is expedient further to amend the Maharashtra Lokayukta and Upa-Lokayuktas Act.1971, it is hereby enacted in the Sixty Sixth Year of the Republic of India as follows :-

1. (1) This act may be called the Maharashtra Lokayukta and Upa-Lokayuktas (Amendment) Act. 2015. Short title and commencement.  
(2) It shall come into force immediately.

(1)

Amendment  
of section 2  
of Mah. XLVI  
of 1971.

**2.** In the Section 2 of the Maharashtra Lokayukta and Upa-Lokayuktas Act 1971 (hereinafter referred to as 'the principal Act')

(1) In sub-section (b), for the sub-clause (iii), the following sub-clause, shall be Substituted namely :-

"(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant or by any member of his family or by some other person on his behalf."

(2) after sub-clause (iii), the following Explanation shall be added namely :-

*"Explanation—For the purpose of this sub-clause 'family' means husband, wife, sons and unmarried daughters living jointly with him or dependent on him."*

(3) In sub-section (k), after sub-clause (iii) (b), the following sub-clause shall be inserted namely :-

"(c) every Member of the Maharashtra Legislature."

(4) In sub-section (k), after sub-clause (iv), the following sub-clause shall be inserted namely :-

"(v) a Vice Chancellor or Pro-Chancellor of a University established or deemed to have been established by or under any law of the State Legislature."

Amendment  
of section 3  
of Mah. XLVI  
of 1971.

**3.** In section 3 of the principal Act, in sub-section (1), after the sub-clause (b) the following clause shall be added namely :-

"(c) A person shall not be qualified for appointment as Lokayukta, unless he has been a Judge of the Supreme Court or a Chief Justice of a High Court in India."

Amendment  
of section 4  
of Mah. XLVI  
of 1971.

**4.** In section 4 of the principal Act, after sub-clause (e), the following explanation shall be added namely :-

*"Explanation—For the purpose of this section a person shall not be deemed to hold an office of trust or profit by reason only that he has been entrusted additional function or conferred powers to discharge the said function under section 16 of this Act."*

Amendment  
of section 10  
of Mah. XLVI  
of 1971.

**5.** In section 10 of the principal Act,

(1) in sub-section (i), after the word 'investigation', the following matter shall be inserted namely:-

"and in so doing ensure that the principles of natural justice are satisfied."

(2) after sub-section (6), the following sub-section shall be inserted namely :-

"(7) Every inquiry under the Act shall, unless the Lokayukta for reasons to be recorded in writing determines otherwise, be conducted in camera."

## STATEMENT OF OBJECTS AND REASONS

In the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971, practically it is observed that, the following provisions should be made in the present Act by the view of amendment.

- (1) In the Definition of word 'allegation' which is in relation to public servant his family should also be included and the definition of family should be define.
- (2) In the Definition of word 'public servant' Member of Legislature and Vice-chancellor or Pro-chancellor of university established or deemed to have been established should be included.
- (3) Recruitment criteria for the appointment of Lokayukta and Upa-Lokayukta should be clarified. There should be clearly mentioned that a person shall not be qualified for appointment as Lokayukta, unless he has been a Judge of the Supreme Court or a Chief Justice of a High Court in India.
- (4) Investigation should be on the line of principles of natural justice.
- (5) Investigation proceeding should be recorded in writing and it should be conducted in camera.

The abovementioned provisions should be made in the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 with a view to strengthen the present Act impartially and effectively.

The Bill seeks to achieve the above objectives.

### **Vidhan Bhavan :**

Mumbai,

Dated the 4<sup>th</sup> November 2015.

ATUL BHATKHALKAR,

Member in charge.

### **Vidhan Bhavan :**

Nagpur,

Dated the 18<sup>th</sup> December 2015.

Dr. ANANT KALSE.

Principal Secretary,

Maharashtra Legislative Assembly.